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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,235	02/19/2004	Timothy M. Lom	03-0006-04	5238

36389 7590 12/08/2005

GEORGE R. REARDON  
3356 STATION COURT  
LAWRENCVILLE, GA 30044

EXAMINER

RAMIREZ, RAMON O

ART UNIT PAPER NUMBER

3632

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



***Detailed Action***

This is the first Office Action corresponding to original filing. The application contains 12 claims.

***Information Disclosure Statement***

Receipt is acknowledged of Information Disclosure Statement, filed Feb 19, 2004, which has been reviewed by the Examiner.

***Election/Restrictions***

During a telephone conversation with George Reardon on December 6, 2005 a provisional election was made without traverse to prosecute the invention of claims 1-11, claim 12 was not elected. Affirmation of this election must be made by applicant in replying to this Office action. Claim 12 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 112***

Claims 5, 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 repeats a limitation already included in claim 4 (the plurality of transparent films) and must be deleted from the claim.

Claim 11 lacks antecedent for “the computer”, “the monitor”, “the VELCRO tabs”, etc. Further, step c ii and iii makes reference to “option A” and “option B” but said options are not defined in the claim. No art can be applied at the moment to this claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer (Pat No 6,543,167) in view of Flemming (Pat No 6,478,282).

The patent to Dwyer discloses a monitor frame having an opening for viewing the screen of the monitor, and a series of openings (14-1-3) for receiving photographs which are protected therein; said frame being attachable to the monitor.

Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dwyer in view of Flemming as applied to claim 1 above, and further in view of Levy et al. The patent to Levy et al. discloses another frame attachable to a monitor by means of a hinge (103, Fig 1c). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the device set forth above with a hinge means as shown by Levy et al. to facilitate accessing the monitor. The use of VELCRO

tabs is considered to be an obvious matter of engineering choice since the use of VELCRO fasteners is well known in the art. As to the use of transparent films, note that the patent to Flemming teaches their use.

***Allowable Subject Matter***

Claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zagnoli (5,564,209), Schwartz (5,638,096), Markarian (5,890,309), Bradford (6,395,125) and Rock (2004/0150943) show other devices of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMON O. RAMIREZ whose telephone number is (571) 272-6821. The examiner can normally be reached on MONDAY-FRIDAY, IST FRIDAY OFF.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor ROBERT OLSZEWSKI can be reached on (571) 272-6788.

The fax phone number for the organization where this application or proceeding is assigned is 571 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A shortened period for response to this Office Action expires THREE MONTHS from the mailing date of this action.

ROR  
December 6, 2005



RAMON O. RAMIREZ  
Primary Examiner  
Art Unit 3632